

REMARKS

STATUS OF CLAIMS:

After entry of the foregoing amendments, claims 1-19 are pending in this application. The Examiner rejected claims 1-11. New claims 12-19 are added via this Amendment.

PRIORITY:

Applicant thanks the Examiner for acknowledging receipt of the priority papers that were submitted under 35 U.S.C. §119(a)-(d).

SPECIFICATION:

The Examiner makes reference to the type of language that is to be used for the Abstract. He does not point to any specific errors in the Abstract, but notes that legal phraseology should not be used. Accordingly, Applicant hereby amends the Abstract to clarify the language.

The Examiner also objects to the disclosure because of various informalities including the lack of subtitles. Thus, Applicant hereby amends the specification to address these issues. Accordingly, withdrawal of the objections is respectfully requested.

CLAIM OBJECTIONS:

The Examiner objects to claim 8 because he asserts that the word “said” should be inserted before the word “ejection means.” Applicants hereby adopt the Examiner’s suggestion, and further define the terminology in other areas. These amendments were made to clarify the language and not because of prior art.

The Examiner objects to claims 7-11 as being improper because they include multiple dependent claims that depend from other multiple dependent claims. The claim amendments address this issue. Withdrawn of the objection is requested.

35 U.S.C. §112:

The Examiner rejects claims 7-11 under 35 U.S.C. §112, second paragraph, as being indefinite because of various informalities, as listed in Section 7 of the Office Action. In view of the foregoing amendments, Applicant respectfully requests that this rejection be withdrawn.

35 U.S.C. §102:

Claims 1-3, 8 and 9

Claims 1-3, 8 and 9 are rejected under 35 U.S.C. §102(e) as being anticipated by Lawn et al (U.S. Patent No. 5,769,476 [hereinafter “Lawn”]).

The Examiner asserts that Lawn discloses gripping claws 112 that enclose an outer surface of a tubular neck of a preform B. The Examiner further asserts that this reference discloses an inner core 70 that penetrates inside of a neck of the preform B and which has a lower transverse surface.

In an illustrative, non-limiting, embodiment of the present invention, there is a device for manipulating heat that is radiated inside of a temperature conditioning oven. A feature of the invention is the ability to protect the neck of the preform against excessive heating while it is in the conditioning oven.

Applicant further defines the physical aspects of claim 1 in order to distinguish it from Lawn. An illustrative, exemplary feature of the present invention is the fin portions 66 that are provided on the inner core 62. Lawn does not disclose the use of fins. Thus, claim 1 is hereby amended to describe a fin that radially extends from the inner core. Lawn fails to disclose the recited fin. In particular, Lawn does not disclose a fin that extends from the core of the cylindrical portion 70, but instead, discloses the cylindrical portion as having smooth sides that fit into the opening of the bottle.

Inasmuch as the features of claim 1 are not disclosed in Lawn, Applicant respectfully requests that the rejection thereof under 35 U.S.C. §102(e) be withdrawn. Also, the rejection of claims 2, 3, 8 and 9 should also be withdrawn at least by virtue of these claims respectively depending from claim 1.

Claims 1-5, 8, 9 and 11

Claims 1-5, 8, 9 and 11 are rejected under 35 U.S.C. §102(b) as being anticipated by McDonald (U.S. Patent No. 4,086,999). The Examiner asserts that McDonald discloses a preform carrying apparatus having a gripping device 25 with claws 43 that substantially enclose an outer surface of a tubular neck of a preform 2. The Examiner further asserts that an inner core 37 is disclosed as axially penetrating the inside of the neck of the preform, and that the core has a lower transverse surface (see Figs. 4 and 5).

McDonald fails to disclose each feature recited in claim 1. Specifically, McDonald does not disclose a fin that radially extends from the alleged inner core 37. Instead, the inner core 37

is cylindrically shaped so as to conform to an inside of the workpiece 2. Accordingly, inasmuch as the features of claim 1 are not disclosed by McDonald, Applicant respectfully requests that the rejection of claim 1 under 35 U.S.C. §102(b) be withdrawn. Furthermore, the rejection of dependent claims 2-5, 8 and 9 should also be withdrawn at least by virtue of their respective dependencies.

In view of the Examiner's objection to claim 11 as being an improper multiple dependent claim and the rejection of claim 11 as being vague and indefinite, claim 11 has now been rewritten in independent form so as to recite "a temperature condition oven for a plastic container," and includes the features of original claim 1. Claim 11 is drawn to a temperature oven and is, therefore, not indefinite. Amended claim 11 also describes that the at least one fin that radially extends from the inner core is operative to dissipate heat that is absorbed by the inner core. Thus, claim 11 further defines over McDonald.

35 U.S.C. §103:

Claim 6 is rejected under 35 U.S.C. §103(a) as being unpatentable over McDonald. The Examiner acknowledges that McDonald fails to disclose the features of claim 6 regarding the claimed bell being made of plastic. However, the Examiner alleges that it would have been obvious to those skilled in the art to have provided a plastic material for alleged bell 25 of McDonald. Nevertheless, Applicant respectfully submits that claim 6 is patentable over McDonald, at least by virtue of its dependency on claim 1. As noted above, McDonald fails to disclose all the features of amended claim 1. Applicant respectfully submits that these features would not have been obvious in light of McDonald.

ALLOWABLE SUBJECT MATTER:

The Examiner indicates that claims 7 and 10 would be allowable if rewritten in independent form so as to include the features of any intervening claims, and if amended to overcome the rejections under 35 U.S.C. §112, second paragraph. Claims 7 and 10 are hereby rewritten in independent form so as to capture their allowable subject matter.

New claims 12-19 are hereby added to obtain more varied protection. New claim 16 contains the features of claims 1, 4 and 7; and new claim 17 contains the features of claims 1, 8 and 10. To broaden the scope of new claim 17, the feature regarding the gripping device as being “rotatably mounted around its axis on the carrying device” was removed from claim 17, and included in new dependent claim 18.

Claims 12-15 are dependent on claim 1, and are patentable over the applied references at least by virtue of their dependency. Claim 19 is an independent claim including features regarding the ejection finger, which is submitted to be patentable over the applied references.

In view of the preceding amendments and remarks, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue that the Examiner feels may be best resolved through a personal or telephonic interview, he is kindly requested to contact the undersigned attorney at the local telephone number listed below.

AMENDMENT UNDER 37 C.F.R. §1.111
U.S. SERIAL NO. 09/913,823

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A Petition for Extension of Time with appropriate fee accompanies this document. The USPTO is directed and authorized to charge all additional required fees (except the Issue Fee and/or the Publication Fee) to our Deposit Account No. 19-4880. Please also credit any over-payments to said Deposit Account.

Respectfully submitted,



Daniel V. Williams
Registration No. 45,221

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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